

Shores and Ruark Seafood Company  
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February 1, 2005

Mr. Bill Sessions  
Associate Deputy Administrator  
USDA Marketing Service  
Room 2092-S  
1400 Independence Ave. SW  
Washington, DC 20250-0249

Re: Docket No. LS-03-04: Mandatory Country of Origin Labeling of Fish and Shellfish,  
Interim Final Rule

Dear Mr. Sessions:

Shores and Ruark Seafood Company has just become aware of the consideration to redefine farm-raised fish in Sec. 60.106 of the COOL legislation. Shores and Ruark Seafood Company does not support the proposed change. We believe there *is* a difference in wild-raised and farm-raised shellfish and it is clearly defined in section 60.106 as it is currently written. Under the revised definition, oysters caught on public grounds as *wild-raised* today and then replanted on private beds to be re-harvested would then be called *farm-raised* shellfish. In our opinion, transferring oysters from public beds to private beds does not alter the oyster in any way. The grow out process is the same as there is no introduction of nutrients nor use of protective measures on the private beds.

The new language would also become a problem of dual labeling for the Virginia oyster industry since we process from public and private beds. Virginia processors such as our company purchased new packing containers in September 2004 in preparation for the COOL legislation at considerable costs. It would be extremely labor-intensive and economically costly to now have to add stickers or use other means to change this extensive new inventory of packaging containers that we have ready for the COOL legislation.

In conclusion, Shores and Ruark Seafood Company does not agree with the suggested new definition of farm-raised in Section 60.106. Thank you for considering our views on this important matter.

Sincerely,



Rufus H. Ruark, Sr.

Shores and Ruark Seafood Company